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TELEGRAM

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59:21
ACTION: IC-18

INFO: OCT-01 EUR-20 SY-23 FBI-01 CPR-02 USSS-00 JUS-02

NEA-13 SS-20 NSC-10 NSA-02 CCAE-00 INR-08 RSC-01 L-04

H-02 PRS-01 RSR-01 /109 WI

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INFO AMEMBASSY MOSCOW

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DEPARTMENT OF STATE A/CDC/MR
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SUBJ: 67TH ST RESIDENTS REQUEST FOR INJUNCTION

REF: USUN 1500 - POL 23-8 US
XR UN 22-2 USSR

1. USG MOTION TO INTERVENE INSUIT BY RESIDENTS OF 67TH ST NEIGHBORHOOD TO ENJOIN NYC PD FROM BARRICADING 67TH BETWEEN 3RD AND LEXINGTON AVES AND JEWISH DEFENSE LEAGUE STUDENT STRUGGLE FOR SORI JEWRY AND OTHER ORGANIZATIONS FROM LARGE OR NOISY DEMONSTRATIONS IN VICINITY SOV MISSION TO UN WAS HEARD JUNE 14. JUDGE DOLLINGER RESERVED DECISION. RESIDENTS AND JDL OPPOSED USG MOTION. NYC PD REPRESENTED BY NYC CORP COUNSEL (IRWIN HERZOG) APPEARED AND STATED NYC PD NOT OPPOSED. OTHER ORGANIZATIONS NAMED IN COMPLAINT DID NOT APPEAR.

2. ASST US ATT Y MILTON SHERMAN REPRESENTED USG. UNDERSTANDING WAS THAT MOTION TO INTERVENE ONLY QUESTION AT ISSUE. SHERMAN STATES USG MOVING TO INTERVENE IN VIEW ITS RESPONSIBILITY TO PROTECT FOREIGN MISSIONS TO INTER NATIONAL ORGANIZATIONS. RESIDENTS (ATTY LEON BRICKMAN) ARGUED THAT USG LACKS CONFIDENCE IN NYC PD WHICH IT WISHES TO REPLACE WITH FED'S TROOPS. USG MOTION SHLD BE DENIED BECAUSE USG HAS NO REAL INTEREST IN SUIT.

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JDL (ATTY. BERTRAM ZWIBON) MADE EMOTIONAL APPEAL ON MERITS OF CASES SAYING USG TRYING SUPPRESS RIGHT OF INDIVIDUAL CITIZENS TO DISSENT FROM USG POLICY. JUDGE DOLLINGER DID NOT STOP ZWIBON SPEECH EVEN THO IT CLEARLY NOT RELEVANT TO MOTION.

3. JUDGE DOLLINGER ASKED ASST US ATTY TO SUBMIT PROPOSED ANSWER TO RESIDENTS COMPLAINT. JUDGE WANTS TO HAVE THIS BEFORE HE RENDERS DECISION ON MOTION. MISOFF HAS ASSISTED IN PREPARATION ANSWER.

4. AFTER DECISION ON MOTION WHICH SHERMAN EXPECTS WILL BE GRANTED, SHERMAN WILL ASK FOR PERMISSION MAKE ORAL PRESENTATION. SHERMAN BELIEVES JUDGE DOLLINGER MAY REFUSE SHERMAN PERMISSION MAKE ORAL ARGUMENT BUT WILL SURELY GRANT PERMISSION TO FILE BRIEF AND AFFIDAVITS. SHERMAN BRIEF WILL CONTAIN ONE SECTION DRAWING NEARLY VERBATIM ON MEMORANDUM OF LAW PREPARED BY EUR ON STATE RESPONSIBILITY TO PROTECT FOREIGN DIPLOMATIC MISSIONS PERSONNEL AND OTHER ALIENS. HE PREPARING SEPARATE SECTION COVERING QUESTION FIRST AMENDMENT GUARANTEES OF INDIVIDUAL RIGHT TO PICKET FOREIGN MISSION TO INTERNATIONAL ORGANIZATION. ORAL ARGUMENT OR SECOND AFFIDAVIT OR BOTH WILL ALLEGE DOLLINGER COMPROMISE UNWORKABLE. IT HAS BEEN TRIED AND ALREADY HAS BEEN VIOLATED IN SEVERAL INSTANCES.

5. NYC POL AGREE WITH USUNI CONTENTION THAT JUDGE DOLLINGER COMPROMISE PROPOSAL HAS BEEN BROKEN BY JDL AT LEAST TWICE. FIRST VIOLATION WAS JUNE 10 DEMONSTRATION AND SECOND WAS CONDUCT OF DEMONSTRATORS AFTER MIDNIGHT JUNE 10 LEADING TO ARREST 5 PICTURERS INSIDE BARRIERS. BYC CORP COUNSEL DOES NOT DISPUTE THAT VIOLATIONS TOOK PLACE BUT SEEMS UNWILLING PUSH THIS ARGUMENT WITH JUDGE DOLLINGER.

6. JUDGE DOLLINGER BECOMING DISENCHANTED WITH CASE. TOLD SHERMAN "I TRIED TO BE PEACEMAKER AND LOOK WHERE IT GOT ME." DECON 6/14/72
BUSH

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